IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 26210 of 2003

Between:

Smt.G.Mahitha Kumari, W/o.Sri Ch.Theophilus,
A.P.S.W.R.E.I.Society, S.W.R.School,
Chimakurthy, Prakasam Dist.

..... PETITIONER

AND

The Secretary, A.P.Social Welfare Residential Educational -
Institutions Society, Samkshema Bhavan,
Masab Tank, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, to declare the Show Cause Notice Rc.No.Z-III/327/1996 dt.17-11-2003 as illegal, arbitrary, unconstitutional, de-horse the Rules established therefor, besides violative of Article 311 of the Constitution of India and consequently direct the respondent to fix up the pay scale of the petitioner according to the Revised Pay Scales, 1993 by setting aside the infructuous show cause notice dt.17-11-2003 issued by the respondent.

Counsel for the Petitioner:MR.S.S.RAJAN (not present)

Counsel for the Respondent: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the show cause notice dated 17.11.2003 is arbitrary and illegal and with a consequential direction to the respondents to fix the pay scale of the petitioner according to the Revised Pay

Scales, 1993 by setting aside the show cause notice dated 17.11.2003.

The case of the petitioner is that her services have been regularized under G.O.Ms.No. 212 dated 22.04.1994 in the cadre of Trained Graduate Teacher, (English) with effect from 27.11.1995 and necessary entries have also been made in her service register. The relaxation of her education qualification was made by the Board of Governors in their Agenda Item No.19 of 29th Meeting of the Board of Governors held on 20.05.1998 and she had completed the probation period of two years in the cadre of TGT (English). Thereafter the respondent issued the impugned show cause notice canceling the regularization of the services of the petitioner. Challenging the same, the present writ petition is filed.

A detailed counter-affidavit has been filed by the respondent-society.

None appeared for the petitioner.

Heard learned standing counsel for the respondent.

The learned standing counsel for the respondent contended that the impugned order is only a show cause notice and the petitioner can as well give an explanation to the show cause notice and appropriate decision has to be taken by the respondent in accordance with law.

As seen from the impugned proceedings, as rightly contended by the learned standing counsel for the respondent, it is only a show cause notice calling for the explanation of the petitioner with regard to the cancellation of the regularization orders. The petitioner can as well raise all the contentions, which are raised in the writ petition, in his explanation to the impugned show cause notice. The jurisdiction of the respondent-society in issuing the said show cause notice is not under challenge. Since the jurisdiction of the authority, who issued the impugned proceedings is not under challenge, the writ petition is devoid of merits.

After issuing the show cause notice, it seems, the petitioner came to this Court and obtained an interim order of stay of the orders issued. Therefore, there is no scope or possibility for the petitioner to give an explanation to the said show cause notice. Since the stay is continuing till today, it is reasonable to give another 10 days time from today to the petitioner for submitting an explanation to the show cause notice dated 17.11.2003 and thereafter the respondent shall take appropriate

decision in accordance with law.

With the above direction, the writ petition is disposed of. The stay granted earlier is vacated.

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15.06.2005

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To

1. The Secretary, A.P.Social Welfare Residential Educational - Institutions Society, Samkshema Bhavan, Masab Tank, Hyderabad.

2. Two C.Cs to the G.P., for Social Welfare, High Court Buildings, Hyderabad (OUT).
3 2 CD copies.

4 1 CC to MR.VIJAYA BHASKAR MOOLA.